

amount of Rs. 100 in the sanitary budget as additional allotment for the year. Hence this Demand for Supplementary Grant by transfer from "II C—Agriculture and Panchayats" to "XXIII—Sanitation and Conservancy—B. Rural Sanitation".

The question of granting the supplementary demand was put to vote and carried.

Demand—XXVII.—Public Works—Rs. 32,700.

Mr. V. K. Aravindaksha Menon.—Sir, I rise to move for a Supplementary Grant of Rs. 32,700 for the Department of Public Works.

The resolution for supplying water to Mattancheri, which was unanimously voted by the non-official Members of this Council, received the approval of the Government. I was ordered to carry it into effect, as soon as possible.

Designs were made, and an estimate for the first stage of the scheme for Rs. 67,000 was submitted to the Government. While doing so, I pointed out that, though I could, by transfer of allotment, meet an expenditure of Rs. 35,000, I was unable to find the balance.

Hence the necessity for this motion for a supplementary grant.

Motions Nos. 6 to 9.

Mr. George Chakyamuri.—*To reduce the allotment of Rs. 32,700 for "XXVII—Public Works" by one rupee.*

Mr. S. F. Nunez.—*To reduce the allotment of Rs. 32,700 for "Public Works" by one rupee.*

Mr. George Chakyamuri.—*To omit the allotment of Rs. 32,700 for "XXVII—Public Works."*

Mr. T. A. Ramachandra Ayyar.—*To omit the allotment of Rs. 32,700 for "Public Works."*

Mr. George Chakyamuri.—I have tabled this motion to reiterate the question of roads in my constituency. My constituency has the unique prestige of being a very extensive constituency where there is not one inch of metalled road. I have made repeated representations to this House regarding this matter. I asked for a road in continuation of the present Pallivirutti road, going straight up to Chellianam. The Government told me that they are short of funds. I then asked for the irreducible minimum, i. e., at least an extension of the Pallivirutti road for about a mile and a half. I suppose my demand was very moderate, and the Member assured me that the matter would be looked into. It was during a sitting of the last legislative session of this House. To this day the matter has not received the attention of the Government. The Chief Engineer has told me that there is going to be a new road from Pallivirutti to Edakochi. That will be more than my expectation in one

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way. But what I have been asking for from the very beginning is a road to the southernmost limits of Pallivirutti. I want only a small diversion of road which will be only about a mile long.

None of the motions under the D. P. W. was pressed.

The question of granting Rs. 32,700 under "XXVII—Public Works" was put to vote and carried.

President.—Now, we shall proceed to the further consideration of the motion of Mr. C. A. Kunjunni Raja.

Mr. K. T. Mathew.—Sir, I desire to point out something. Amendments to Standing Orders are always put on the last day. If they are put two or three days before, then we will get an opportunity to move them. If you direct the Secretary to put them on an earlier day, it would be more advantageous to us.

President.—That can be done.

Mr. N. Padmanabha Menon.—I propose that the question be now put.

Mr. C. A. Ouseph.—I oppose it.

Mr. N. Padmanabha Menon.—It was pointed out by the Hon'ble Member for the Jewish Constituency that all the sections of the Tenancy Regulation or, any of them outside the scope of this Bill, could be amended by this amending Bill, and the general opinion is that even sections outside the scope of the amending Bill should be taken. So a discussion here, I don't think, will be of much use.

Mr. C. A. Ouseph.—The Member has raised a point, whether the whole of the original Regulation can be taken into consideration. Without a ruling from the President we cannot come to any definite conclusion. Even if the President gives a ruling, the Select Committee should not be tied down by it.

President.—A ruling can be given only after mature deliberation.

Mr. N. Padmanabha Menon.—If this House has no power, it will be quite *ultra vires*.

Mr. C. A. Ouseph.—I opposed the motion on the ground that it is an infringement of the rights of reasonable debate on a measure affecting all the subjects of His Highness, and if the motion has been made, the closure motion should not be applied.

President.—Yesterday Messrs. Salem and Achyuta Menon spoke something and Mr. Rama Ayyar opposed.

Mr. N. Padmanabha Menon.—The general opinion of the House was that the Select Committee has the right to go into every section. The Bill is one to amend the Tenancy Regula-

tion—even the preamble says that. Among the Objects and Reasons, you find this—"A Bill to amend the Cochin Tenancy Regulation" and certain examples are given. It is not definitely stated that only certain provisions are sought to be amended. This is not a Bill to amend certain provisions, but it is one to amend the Regulation as a whole. So the general opinion yesterday, when the Member for the Jewish Constituency raised the point, was that the Select Committee has a right to go into every section.

Mr. C. A. Ouseph.—Into the Regulation as a whole?

Mr. N. Padmanabha Menon.—I read from the Objects and Reasons.

Mr. C. A. Ouseph.—And I read the first provision. From the speech of the Hon'ble Member for Trippunittura it was found that certain changes were necessary. We are only discussing the principles, whether any change is necessary in it. I submit there was not sufficient debate on that.

President.—Mr. Ouseph, from your point of view, the Tenancy Regulation, as it now stands, does not require many amendments, so that in certain respects only the provisions have to be amended.

Mr. C. A. Ouseph.—I only wanted it to be more drastic.

President.—If you are on the position that no amendment is necessary in regard to the provisions of the Tenancy Regulation as it now stands, that is one position. If, however, you think there are certain defective provisions that require amendment, then, that is another position. Of course, you agree that the Tenancy Regulation has got to be amended in some respects. The question is in what all points amendment is necessary, and when the Tenancy Regulation is placed before the Select Committee, although the mover has noticed certain defects in regard to the position, is it not competent to the Select Committee to go into the whole Regulation and recommend whatever amendment is desirable?

Mr. C. A. Ouseph.—That is the difficulty, I pointed out. They are not competent.

President.—You put forward a legal difficulty. If there has been a decision, please quote it. For the time being, let us not anticipate any legal difficulty.

Mr. N. Padmanabha Menon.—We have precedents to the contrary. When the Land Registration Bill was amended, its scope was restricted.

President.—Whether it will be competent to the Select Committee—that is the question.

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Mr. Chakko Cheruvattur.—It may be alright for a fresh enactment. It is not the Tenancy Regulation or the Tenancy Bill, but only an amending Bill. If it is a fresh Regulation, then, of course, the Select Committee will have a right to overhaul the whole thing. Here it is only an amending Bill, and in it certain clauses are defective and unworkable.

President.—The position reduces itself to this. In order that the amending Bill may be brought forward and the whole Regulation may be reviewed, there must be amendments in regard to each and every section.

Mr. C. A. Ouseph.—A fresh Bill will have to be brought.

President.—So you mean to say that it should be taken section by section.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—My point is this. The Government of India Act is only an Amendment Act. The House of Commons passed only an Amendment Act which included all these new rules. There was no separate Government of India Act. They added something to the then existing Government of India Act.

Mr. K. T. Mathew.—Was it by an Amendment Act?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—It was an Amendment Act. Sir Edwin Montagu introduced an Amendment Act called the Government of India Amendment Act, which was incorporated in it, and it was ordered to be republished subsequently for reference.

Mr. C. A. Ouseph.—I shall point out what it is. They brought an Amendment Act which in itself was a complete Act. Therefore, no amendments had to be made by the Select Committee.

President.—Here also we shall bring an amendment to the Tenancy Regulation which shall be a Regulation complete in itself. Do you support your position on the arguments advanced by Mr. Chakko? If every section is touched upon, with regard to certain sections, amendments will be necessary, and with regard to certain sections, no amendment will be necessary. Then, it will be competent for the Select Committee to go into the whole question.

Mr. C. A. Ouseph.—My position is quite different. A fresh Bill will be brought as an Amendment Bill.

Mr. C. A. Kunjuni Raja.—What is the form of the Regulation?

Mr. C. A. Ouseph.—"Whereas it is expedient" and so on. Then, the Tenancy Regulation as intended to be in force will be written. In the last schedule the Tenancy Regulation

of such and such a date will be repealed. That is the procedure.

Mr. C. A. Kunjunni Raja.—“Whereas it is expedient to amend the Cochin Tenancy Regulation, the Regulation may be amended”. Is that to be the form of the Amending Bill?

President.—You must look to the substance of the thing. There may be some difficulty in the form.

Mr. C. A. Kunjunni Raja.—I am agreeable to introduce amendments to all sections.

President.—It does not appear in the Amending Bill brought forward by you. You have to take section by section. First section—no amendment is necessary; another section—this amendment may be taken—it is open to the Select Committee to say like that.

Mr. C. A. Kunjunni Raja.—I need not repeat all the sections. This is a Bill to amend the Cochin Tenancy Regulation. All the sections of the Tenancy Regulation shall be amended. Then it may be referred to the Select Committee, and they may amend it as they choose. But my Bill says it is a Bill to amend the Tenancy Regulation. I have got certain sections requiring amendment. I have added them. The whole Tenancy Regulation is before them, and they can amend it. There is nothing in the Council Regulation or in the Rules or in the Standing Orders which prohibits the Select Committee from entering into that subject.

Mr. K. T. Mathew.—“Whereas it is expedient to amend certain provisions of the Regulation.” That is the next point of view.

President.—There are other provisions requiring amendment. Let the Committee go into those amendments. We are arguing a very technical point.

Mr. K. T. Mathew.—In the case of one amendment brought to the Civil Procedure Code, the Committee will have to go through the whole. Such a situation will be necessary.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—May be necessary.

President.—The Committee has to be guided by reasons. This is the amendment brought. Why should we take all the sections? Has this section any bearing on any other section? No. If it is inconsistent with the other section, they will review the section, but will not review those sections which have no manner of connection with the amending section.

Mr. Chakko Cheruvattur.—That is exactly the position here. Sections ought to be amended. There are certain amendments required in certain sections of the Tenancy Regu-

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lation which have no connection at all with the sections now dealt with.

Mr. C. Achyuta Menon.—New provisions will have to be made.

President.—If the Select Committee considers it necessary, let it do it. All that I say is we need not do any unnecessary work. I am only answering Mr. Mathew's point, whether all the sections of the Civil Procedure Code have to be considered and examined by the Select Committee, when they had to amend a particular section. If, by considering the amendments brought forward in certain sections, other sections have also to be considered, the Select Committee is competent to take into consideration all those amendments.

Mr. C. A. Kunjinni Raja.—This is an amending Regulation, amending the Tenancy Regulation. Our power is not taken away by saying that we should deal only with such and such sections. We have been entrusted with the power of considering the Tenancy Regulation in the light of certain amendments now proposed. But in our opinion, certain other provisions have also to be amended, and these are our views. Mr. Rama Ayyar brought forward the Jenmi-Kudiyan Bill. That is also a subject connected with the Tenancy Regulation, and the question may be gone into in considering the amending Regulation. That is why I put him in the Select Committee.

Mr. K. T. Mathew.—With regard to the Standing Orders, if an amendment to one of the Standing Orders is brought forward, will it be necessary to suggest amendments to all the Standing Orders?

President.—But a Standing Order is one definite thing. If your argument is applied, in its case when you are asked to consider an amendment in regard to the Tenancy Regulation, then, you are competent to enquire into all the Regulations that are in force in Cochin. Each Standing Order stands by itself. So you can amend that. It is just like a Bill. When the Tenancy Regulation is concerned, you cannot take up another. The analogy should be viewed from that standpoint.

Mr. C. A. Ouseph.—It is called the Government of India Act—an Act to consolidate the enactments of the Government of India.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—That is the old Act and not the 1919 Act.

Mr. C. A. Ouseph.—Please read.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—There is a reprint of the Government of India Act where, in the old Act, all the amendments made in 1919 have been incorporated.

I have not got a copy of that report. It is only a sort of ministerial work that was done for the factory reference. In the publications issued by the Government of India, they incorporated all the amendments to the original Act, and issued a reprint.

Mr. K. T. Mathew.—Is it printed there?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—It is printed here.

Mr. K. T. Mathew.—It is not an amending Act.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—This is a book consisting of 600 sections. The 1919 Act was passed for effecting reform in the constitution of India. That contained a large number of amended sections, and those amended sections have been incorporated in the Government of India Act and issued for reference. I have not got the 1919 Act itself. We have got a copy of Government of India Act which provides for a number of things.

Mr. K. Achyuta Menon.—In the Government of India Amendment Act, the original Act is the main Act, and the provisions of the amending Act are given as footnotes. Sir Edwin Montagu's references have been included. I also remember that, when it was presented to the House of Commons, and when it was finally amended, so many amendments were suggested, and were carefully discussed. Objections were offered by the House of Commons, and the Select Committee appointed by the House of Commons should have also been prevented from considering other sections.

Mr. I. E. Ambooken.—Sir, I have also a doubt. According to Standing Order No. 33, the Select Committee's taking evidence is confined to the measure that is before them. Now, only the Amendment Act is before them. So I don't know whether the original Bill can be taken for discussion or for taking evidence.

President.—Without the original Bill, how can you consider the amendment? The Amendment Bill must be before them. The amendment will be "in section so and so add this word, take away this word, substitute this word, etc".

Mr. I. E. Ambooken.—All such discussions should be confined only to those amendments before them.

President.—Before these amendments are proposed, with reference to the provisions of the Tenancy Regulation, we have to consider this, and along with it, if it becomes necessary, other provisions also.

Mr. I. E. Ambooken.—That is not necessary. They should not go outside the measure that is before them. It

will not become necessary. They may be confined only to amendments that are before them.

President.—Let me to know you?

Mr. I. E. Ambooken.—According to the rules, it is permissible.

President.—Therefore, this is a question of law.

Mr. K. T. Mathew.—The Revenue Member has put forward a sound argument, but I doubt whether the argument can be accepted. We do not know what are the rules of the Parliament. Are our rules same as the Parliamentary rules? Then we shall accept it.

President.—But let us go by the rules before us, and not be guided by such considerations.

Mr. I. E. Ambooken.—If all the sections of this original Bill can be discussed, any one section of a big Bill is to be amended, and that is before the Select Committee, the whole Bill can be amended.

President.—If they are so very unreasonable to examine the whole, let them do it. What is there to prevent them? But I don't expect them to be so unreasonable. The Select Committee will not amend. The House will amend. The Select Committee has the power to suggest amendments to all the provisions.

Mr. I. E. Ambooken.—We want a definite ruling on the subject from the Chair.

Mr. K. T. Mathew.—There is also another matter to be considered. Rule No. 37 states the ways of recommitting the report of the Select Committee. In another Rule we find how Bills should be committed to Select Committees. That Rule does not say that the whole Regulation should be considered, when a Bill to amend a few provisions of the Regulation is committed to the Select Committee.

President.—Yes, how does it stand in the way?

Mr. K. T. Mathew.—In the case of submitting a Bill to the Select Committee, we cannot give the Committee any direction that the whole Regulation should be looked into and modified. They should confine only to the amending Bill before them. We cannot give them instructions that they should look into the whole of the Regulation and find out all its defects. If it is a recommitment, this House has the power to direct the Select Committee to go into all the provisions, but that is not mentioned in the rule relating to the submitting of a Bill to the Select Committee but that is not mentioned in the rule, etc.] The Committee should confine its attention to the amending Bill before them.

President.—In the light of this position is any further debate necessary?

Mr. I. E. Ambooken.—Yes, on the principle of the Bill we have to oppose.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—That motion is to be put now.

President.—I am considering that. It is for that purpose I asked you the question whether it is agreed by all that the provisions of the Tenancy Regulation are to be amended. If the position is otherwise, that the Tenancy Regulation, as it stands "is sufficient for that purpose, and that no amendment on that account is necessary, I will have to consider that point and allow the debate. If it is considered that amendments are necessary" and that a Select Committee can go into the question of the amendments with regard to the provisions of the Tenancy Regulation, then it becomes clear that verbal discussions are not necessary.

Mr. I. E. Ambooken.—Yes, there is only one point supporting the closure motion.

President.—From your point of view, does this Tenancy Regulation require amendment? That is the question I ask or are the provisions that are now in the Tenancy Regulation sufficient? What is your position?

Mr. I. E. Ambooken.—I also support that view. I don't think it is necessary that the motion must now be put. Even after this we can discuss the question on other points. The power of the Select Committee is only one point.

President.—The closure would have this effect. The mover would have the right of reply, and the whole thing would have be put to the vote of the House. The substantial motion before the House was that the amending Bill be read in Council. To-day also the closure motion was put and, in support of the closure motion, Mr. N. Padmanabha Menon advanced some arguments. In that connection, I had to pass a ruling. What is pointed out is in all the provisions of the Tenancy Regulation some amendments are required, and the Select Committee appointed in this matter will go into the whole question and view the position as it stands.

Mr. I. E. Ambooken.—I have some points against the principle of these amendments which are now brought in.

President.—The principle is the relationship between the landlord and the tenant.

Mr. K. T. Mathew.—At this stage we can discuss the principles of the Bill and nothing more than that.

Mr. C. A. Ouseph.—I oppose the closure motion. The question that is put by the President is, if amendments are necessary in the old Regulation, why not apply the closure? But Sir, does not the Select Committee proceed upon the suggestions received from this House? Suggestions are made in these discussions on the principle of the Bill. Where else can we give suggestions to the Select Committee?

President.—You need not give suggestions. They have got the Regulation.

Mr. C. A. Ouseph.—Then, what is the necessity of the discussion of the principles of the Bill? That is for each Member to understand, including the Members who are in the Select Committee.

President.—That is another matter, whether this is a Bill on which second reading should be allowed or not. Of course, the Bill has got to go before a Select Committee. They seem to understand it, and they may look into the whole question.

Mr. C. A. Ouseph.—The question is whether that amendment is necessary for this Bill. That is the only principle enunciated. I don't think that is a principle at all. The basic principles of the Bill are the principles upon which the present sections or the amendments of those sections are based. Based on those principles, certain modifications are proposed. Those are the principles that are to be discussed; not the principle whether amendments are necessary.

President.—The relationship that exists between the landlord and tenant is the basic principle.

Mr. C. A. Ouseph.—When would they receive suggestions on the basic principles upon which we are to proceed? That is when we discuss the Bill before we send it to the Select Committee. This is the stage. That is why I objected to the closure just now.

Mr. I. E. Ambooken.—That motion also can be put to vote.

President.—Which should be put to the vote?

Mr. I. E. Ambooken.—The closure motion.

Mr. K. T. Mathew.—I am of opinion that the closure should not be put. This is the Bill before us. We are concerned with the principle involved in the Tenancy Regulation. It may contain so many disputed points. We are not concerned with that. We have got on our table this amending Bill. We are concerned with the principle involved in this and not anything more than that. When the Select Committee submits any report, we have to consider it. At the present stage, we are

concerned only with the principle involved in the amending Bill which is placed on the table.

President.—That is taking objection to my ruling.

Mr. K. T. Mathew.—I am not questioning the President's ruling. Discussions should be allowed here about the principles of the Bill. The closure motion should not all at once be applied to curtail the freedom of speech of the Members of this House.

Mr. I. E. Ambooken.—Your ruling will apply to the power of the Select Committee and not to the power of this House.

President.—What is the further course?

Mr. I. E. Ambooken.—The principles involved in these amendments ought to have been brought in during discussion.

President.—There were certain provisions in the Tenancy Regulation regulating the relationship between the landlords and tenants. Some of them were found objectionable and required correction. What is the principle, after all, in this Bill? It wants to establish a correct relationship between the landlord and the tenant.

Mr. K. T. Mathew.—This Council has got the power to reject this Bill by discussing the principles involved in it. It will be arbitrary and unreasonable on our part, if we throw out or vote for it before considering the principles involved in it. If the closure motion is applied now, when the principle involved in the Bill has not been fully discussed, we will find it difficult to vote in favour of or against the Bill.

President.—Do you think that the provisions of the Tenancy Regulation should be amended or not?

Mr. K. T. Mathew.—It is a matter now under the consideration of this House, and we will consider that question in all its aspects here.

President.—Have you come to the conclusion that certain provisions of the Regulation are defective? No Regulation is perfect.

Mr. K. T. Mathew.—For that reason, it is not necessary that this Regulation should be amended. The proposed amendments will not make the Tenancy Regulation perfect.

President.—My question is whether any amendment is necessary for this Regulation? We need not go into the perfection of all Regulations. You contend that no amendments are necessary for this Regulation? Is it so?

Mr. K. T. Mathew.—Sir, I may point out it was you that first stated that no Regulation is perfect. I hold, at this time and under the present circumstances, no amendments should be taken up.

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President.—Then, it is right. I allow you to speak.

Mr. I. E. Ambooken.—Sir, I pointed out that this Amendment Bill can be thrown out only after discussing the principles of the same.

President.—You should not take it that this would be passed. Some amendments may be passed, some may not be passed. We are to decide whether they should be acted upon or not. If you say no amendment is necessary with regard to the Tenancy Regulation, then, I must allow the debate. If you say that changes are necessary, I consider further debate on the motion is useless.

Mr. I. E. Ambooken.—I wish to speak on the Amendment Bill.

President.—Do you wish to speak on the closure motion or on the original motion?

Mr. I. E. Ambooken.—On the original motion.

President.—If you say that amendments to the Tenancy Regulation are not necessary, then, you can speak. If you say that amendments are necessary, then, discussion is useless.

Mr. I. E. Ambooken.—I am of opinion that certain amendments are necessary to the Tenancy Regulation. But—

President.—Then, I cannot allow you to speak.

Mr. K. T. Mathew.—Sir, I beg to move that the motion that the Bill to amend the Tenancy Regulation be read in Council should be postponed, as many Members of the House are absent now, and as this is not a piece of legislation that should be hurried through, without considering and discussing all its aspects.

President.—That is another matter. The matter under consideration is whether the Bill to amend the Tenancy Regulation be read in Council. Now, you are not prepared to speak on that?

Mr. K. T. Mathew.—Yes, I am well prepared, if you will permit me. It has been the policy of the Government, although with one or two exceptions since the inauguration of this Council, not to publish non-official Bills in the Cochin Government Gazette.

President.—What has that to do with the motion? I do not understand.

Mr. K. T. Mathew.—With your leave, I shall explain my position. I shall prove by facts that have come to my knowledge that the Government has been identifying itself with the Jenmi's interests too much, and it is because of this that I stated that no amendments to the Tenancy Regulation should, at this time and under the present circumstances, be taken up for consideration.

President.—You should not make such stray remarks.

Mr. C. A. Kunjunni Raja.—I refute that statement of the Hon'ble Member.

President.—Why do you not consider what you are going to say? I know the Government were asked to move amendments on this Regulation. We thought it would be proper to entrust the measure with a non-official Member, and we thought of Mr. Kunjunni Raja and Mr. Raja has brought forward this Bill. We have never approved the provisions of the Amendment Bill at all.

Mr. K. T. Mathew.—May I know the reason for publishing in the Gazette this particular amending Bill, when the Government, as you say, do not approve its provisions? Again, what are the reasons that led you or the Government to think that the representative (Mr. Kunjunni Raja) of the Jenmies is the proper person to introduce an amending Bill to the Tenancy Regulation? Further, I desire to know what particular reasons led the Government to call on a non-official Member to introduce an amending Bill to the Tenancy Regulation, when the Government enjoy better facilities, according to the Regulation, Rules and Standing Orders of this Council, to introduce and carry on a piece of legislation in this House. Have not the Government got all the materials pertaining to this legislation before them? Why should the Government then abdicate their powers in this particular case in favour of a non-official Member, and that in favour of the representative of the Jenmies.

President.—We did not want to put this matter off, because the matter has been before us for a long time.

Mr. K. T. Mathew.—Then why did not the Government take up the matter? Your explanation on behalf of the Government is not satisfactory, and from what I have heard I have to express the opinion that Government are identifying themselves with this Bill.

President.—Saying that the Government is identifying itself with this Bill is quite incorrect. There is no identification at all, in publishing this Bill in the Government Gazette. The Government sanction has to be obtained for that, and the Government gave the necessary sanction to publish it in the Gazette.

Mr. K. T. Mathew.—May I know, Sir, what has been done by the Government with the Bill of the Hon'ble Member for Trippunittura who advocates the cause of tenants? I understand he had submitted a Bill to amend the Tenancy Regulation, and the Government did not publish it in the Gazette. Fairness demands that his Bill should have been treated in the same way as the other Bill. Again, why did not the Government select him to introduce an amending Bill?

President.—It has not been published in the Gazette.

Mr. C. A. Kunjunni Raja.—This Bill came for leave to introduce in the last meeting. On account of pressure of business, I was not able to make the motion for leave to introduce. After the meeting, I applied to the Government for sanction to publish it in the Gazette. I obtained the necessary sanction, and the same was published in the Gazette. The other Hon'ble Members may not have applied for publication of their Bills, and so their Bills were not published.

President.—Why do you say that the Government have an interest in, and are identifying themselves with, this Bill?

Mr. K. T. Mathew.—Did not the Hon'ble Member for Trippunittura request the Government to permit him to introduce his Bill in this Council? Do the Government deny this?

I wrote to the Government for publishing some of my Bills, and the Government did not allow publication. But the Government published in the Gazette the Bill of the Jenmi representative, and further, the Government thought, as you have stated, that he is the proper person to introduce an amending Bill. All this has led me to say what I said.

President.—You are casting reflections on the action of the Government, that they did not allow publication of certain Bills for particular reasons. I cannot allow that.

Mr. K. T. Mathew.—I am not casting reflections; I am simply stating facts. The action of the Government in publishing this particular Bill, and the other facts I have referred to have led me to one conclusion, and that is what I expressed, and it is on this, I have to speak.

President.—You said the Government is identifying itself with the interests of the mover, or it comes to that from your remarks.

Mr. K. T. Mathew.—I said I am led to think that the Government are identifying themselves more with the interests of the Jenmies.

President.—The Bill to amend the Tenancy Regulation is brought in by Mr. Kunjunni Raja. The Government has nothing to do with the provisions of the Bill.

Mr. K. T. Mathew.—But the Government picked up this particular Bill from so many others to be published in the Gazette, and the Jenmi representative, as you stated, was considered to be the only proper person to introduce an amending Bill to the Tenancy Regulation. Therefore, I said the Government are identifying themselves more, in my opinion, with the interests of the Jenmies.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.— These facts were discussed at large yesterday.

President.—I must take objection to all these things. It is open to the Government to give sanction to a particular Bill or not to give sanction. Because the Government have been doing a particular thing, are there not rules to be followed? Would it come to that they are identifying themselves with a particular case?

Mr. K. T. Mathew.—If you object to statement of facts and expression of honest opinion, what is the use of my trying to speak?

We have asked for the reasons, if any, to justify the Government action and attitude in this matter. But the reasons so far given are not satisfactory, and it tends to confirm the opinion I have expressed. That the Government, in fact, is identifying itself more with the interests of the Jenmies has evidently become clear to my mind.

President.—The Government has been collecting materials on this question from various departments. It also wanted to take up this question. The Government at last thought that it was not proper for it to come forward with a Bill which might be considered an infringement of the rights of this House. So the Government called on Mr. Kunjunni Raja and asked him whether he could take up the Bill. The Hon'ble Member consented, and he has brought forward this Bill. That is all.

Mr. K. T. Mathew.—I fail again to appreciate your present argument that the Government introducing a Bill in this House is an infringement of the rights of this House. All who have read the Council Regulation, Rules and Standing Orders will admit that it is not the case, and it is a surprise to me that you, as the President of the Council, put forward such an argument which cannot stand the test of reason and facts, to defend the Government's position. If the Government introduced an amending Bill, nobody could consider it as an infringement of the rights of this House. The Council Rules and Standing Orders here, in Travancore, in British India and those of the Mother Parliament also provide for introducing Government Bills. You state that the Government called on Mr. Kunjunni Raja and asked him whether he could not bring forward an amending Bill. This is not constitutional and fair. This action of the Government cannot be defended, and it deserves criticism. Why should the Government seek the help of a non-official Member to introduce an amending Bill in this House, when the Government could do it, according to the Council

Rules? There would not have been an opportunity for so much criticism, if this Bill was not particularly picked up, and leave for introduction was given to it by publishing it in the Gazette. In the last meeting, this Bill and many others were in the agenda for leave to introduce. They are now in the same first stage, but this Bill has been specially favoured and put in the second stage now.

President.—There was no differential treatment.

Mr. K. T. Mathew.—I beg to differ. There was differential treatment.

President.—For proper reasons. I assure you that Government has not acted arbitrarily.

Mr. K. Achyuta Menon.—Discussing the principles of the Government is abusing the Government.

Mr. K. T. Mathew.—I have not as yet got a proper answer from the Government justifying its action in calling upon the Jenmi representative to introduce an amending Bill, and in publishing his Bill alone in the Government Gazette.

President.—The answer was given several times on that point.

Mr. K. T. Mathew.—The so-called reasons so far given by the President of the Council in his anxiety and earnestness to defend the Government action do not enable me to justify the Government action.

President.—I don't want you to understand more than that. Have you got anything to say on the principles of the Bill?

Mr. K. T. Mathew.—For neither you nor the Government have better and valid reasons to give. I want to speak, but you don't allow me to state facts and express my honest opinion. Then how could I speak?

President.—Any Member wishing to speak on the subject?

Mr. Chakko Cheruvattur stood up.

President.—Are you for the position that the Tenancy Regulation does not require any amendment? If you are for that position, I will allow you to speak. If you go into any other points, I cannot allow you to speak.

Mr. Chakko Cheruvattur.—I concede the position that the Tenancy Regulation requires amendment.

President.—Then you have no further voice.

Mr. C.A. Ouseph.—May I expect you to allow me to make a statement, for you are permitting discussion on the principles of the Bill.

President.—You said already that the Tenancy Regulation requires amendment, and therefore, I cannot allow you to make a statement.

Mr. C. A. Ouseph.—This is an infringement on our right of discussion. You cannot bind us down like this.

President.—Not an infringement of the rights of reasonable debate.

Mr. C. A. Ouseph.—That closure motion has gone now. So, I have a right to speak. If the President does not want me to speak, I do not speak.

President.—I do not understand your position.

Mr. C. A. Ouseph.—My position is that the closure motion is gone, since you allowed some Members to speak.

President.—I want to consider whether the right of reasonable debate has been infringed. If any Member is for having any changes in the Bill, if the Members are for introducing changes in the Tenancy Regulation, then, I think no debate is necessary.

Mr. C. A. Ouseph.—My point is that the Bill has no justification to be referred to a Select Committee.

President.—I ask whether any amendment in regard to the Tenancy Regulation is necessary.

Mr. C. A. Ouseph.—I am not going to make a statement on matters which is outside the Bill before the House. I may make any statement with regard to the Bill.

President.—There is a closure motion pending. I have not put it to vote yet.

Mr. C. A. Ouseph.—You gave permission to the Member for Kunnamkulam to continue the debate. On your putting the question to the Member for Vadakkancheri, whether he had anything to say on the principles of the Bill, that motion goes.

President.—Even if it is as you say, I have to decide whether the right of reasonable debate has been infringed.

Mr. C. A. Ouseph.—If that motion were before the House, no Member could be allowed to speak.

President.—If you are of the view that no amendment is necessary to the Regulation, I can allow you to speak.

Mr. C. A. Ouseph.—I am only making a statement. I will make any statement. It is unjust to ask me to make statements in this House on a matter which is not before the House.

The motion for closing further debate on the motion of Mr. C. A. Kunjunni Raja, that the Bill to amend the Tenancy Regulation be read in Council, was put to vote and carried.

President.—I do not want to hear you.

Mr. C. A. Kunjunni Raja.—I have no reply.

The motion of Mr. C. A. Kunjunni Raja that the Bill to amend the Tenancy Regulation be read in Council was put to vote and carried.

Mr. T. K. Krishna Menon.—The title of the Bill is "A Bill to amend the Cochin Tenancy Regulation."

Mr. C. A. Kunjunni Raja.—As it is a complex Bill affecting all the parts of the State, I have followed a certain principle in selecting the Members to the Committee. I move that the Bill to amend the Tenancy Regulation be referred to a Select Committee consisting of—from the Official Bench—Rao Sahib Mr. T. V. Kasturi Ranga Ayyar, Mr. K. Achyuta Menon and Mr. I. Raman Menon and from the non-officials, from Chittur Dr. A. G. Menon, from Talappalli Messrs. Chakko Cheruvattur and K. Sankaran Nambudiri, from Trichur Messrs. C. Achyuta Menon, A. Sankara Puduval and C. N. Ittiravi Nambudiri, from Mukundapuram Messrs. C. A. Ouseph and T. A. Ramachandra Ayyar, from Cochin-Kanayannur Messrs. V. K. Kochunni Menon and K. S. Rama Ayyar, and from Cranganur Mr. N. Padmanabha Menon.

President.—So in all the number is 15, including the mover.

Mr. K. Achyuta Menon.—Since it is a wide measure this number is necessary.

Mr. C. A. Kunjunni Raja.—There were 37 members in the Select Committee on the Malabar Tenancy Bill in Madras.

Dr. A. G. Menon.—Some nomination may be made from tenants outside the Council.

Mr. K. S. Rama Ayyar.—I have suggested yesterday the name of a man who has made a special study on the subject. I mentioned the name of Dr. John.

Mr. C. A. Kunjunni Raja.—That is irregular.

President.—It is for the consideration of the Government to make nomination. He has first to be made a Member of the Council, before he is to be a member of a Committee.

Mr. K. S. Rama Ayyar.—I simply suggested to the Government his name for its consideration.

Mr. K. T. Mathew.—I propose that the following names, Messrs. M. K. Raman and A. B. Salem, be added to the Select Committee, as representatives from these communities would be salutary.

Mr. M. Krishna Menon.—I propose the name of Mr. P. Kunju Muhammad also to represent Muhammadans.

Mr. V. K. Kochunni Menon.—I suggest to omit one or two from the members originally suggested, so that the number may be 15.

President.—Whom do you suggest? All of them are useful men. Perhaps, you yourself are willing.

Mr. V. K. Kochunni Menon.—I am willing to go out.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I shall be glad to go out.

Mr. C. A. Kunjunni Raja.—I shall be willing to go out.

President.—You are experienced men, and your presence would be valuable. For my part I could not find anybody to be omitted.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Those three lastly selected are necessary.

Mr. C. A. Ouseph.—Can those to be nominated from the tenants be members of the Committee?

President.—They must be first appointed as Members of the Council. That matter of nomination from the tenants will be considered by the Select Committee.

In Madras there were 37 members. Since it is an important matter, we can accept all these names.

Mr. C. A. Kunjunni Raja.—I accept the names of the three members proposed by Messrs. K. T. Mathew and M. Krishna Menon.

President.—After all, there is only an addition of 3 names.

Mr. T. A. Ramachandra Ayyar.—Sir, I beg to second it.

The motion that the Bill be referred to a Select Committee consisting of Messrs. Rao Sahib T. V. Kasturi Ranga Ayyar, K. Achyuta Menon and I. Raman Menon, Dr. A. G. Menon, Messrs. Chakko Cheruvattur, K. Sankaran Nambudiri, C. Achyuta Menon, A. Sankara Puduval, C. N. Ittiravi Nambudiri, C. A. Ouseph, T. A. Ramachandra Ayyar, V. K. Kochunni Menon, K. S. Rama Ayyar, N. Padmanabha Menon, A. B. Salem, M. K. Raman, P. Kunju Muhammad and C. A. Kunjunni Raja was put to votes and carried.

President.—Then you have to fix a period within which the report is to be submitted.

Mr. Chakko Cheruvattur.—The President has to nominate the Chairman.

President.—But we have this to be done before that. Within how many months can you do that?

Dr. A. G. Menon.—Six months from this date.

President.—Yes, within six months. That also may be moved now.

Mr. C. A. Kunjunni Raja.—I move that the Select Committee may be asked to submit their report within six months from this date.

Mr. K. Sankaran Nambudiri.—I second it.

The motion was put to vote and carried.

President.—I nominate Rao Sahib Mr. T. V. Kasturi Ranga Ayyar as the Chairman of the Select Committee.

Mr. Chakko Cheruvattur.—I request that the necessary papers connected with the problem may be got printed and circulated among the Select Committee Members.

President.—I think the Diwan Peishkar will do it.

Mr. Chakko Cheruvattur.—They are not printed, Sir. I made enquiries in the Press, and I could not get them.

President.—Mr. Raja used all these papers.

Mr. C. A. Kunjunn Raja.—I have returned them.

President.—Did you find any printed papers?

Mr. C. A. Kunjunn Raja.—No printed papers, Sir.

President.—Anyhow, you please send them for printing.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I had a good selection with me. But I sent it to the Government of Madras, and the gentleman to whom I sent it has gone now to Baroda.

President.—Have you got copies?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I had only one copy with me.

President.—They may study the literature on the subject. So far as our office papers are concerned, they will all be placed at the disposal of the Chairman. Mr. Raja will be the convenor.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—We will get all the necessary files, make a selection and consider them.

President.—What is the next item? Mr. Raja will move for leave to introduce his Cochin Legislative Council Members' Exemption Bill.

Mr. C. A. Kunjunn Raja's Cochin Legislative Council Members' Exemption Bill.

Mr. C. A. Kunjunn Raja.—I move for leave to introduce the Cochin Legislative Council Members' Exemption Bill.

Mr. Chakko Cheruvattur.—I second it.

The motion for leave to introduce the Bill was put to vote and carried.

Mr. N. Padmanabha Menon's Cochin Marumakkathayam Bill.

President.—The next item is that Mr. Padmanabha Menon will move for leave to introduce the Cochin Marumakkathayam Bill.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—He is absent, Sir.

The Bill was considered withdrawn, as the Member was absent when called upon to move for leave to introduce the same.

Mr. K. T. Mathew's Legislative Council Members' Exemption Bill.

President.—Then, Mr. Mathew will move for leave to introduce his Legislative Council Members' Exemption Bill.